

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 ALEXIS MORALES)
)
 Defendant.)

CRIMINAL NO. 04-40019-FDS

FILED
CLERK'S OFFICE
DEC 7 2004
FBI - WORCESTER
DISTRICT OF MASSACHUSETTS

AFFIDAVIT OF POLICE OFFICER JAMES CARMODY

James Carmody, being duly sworn, deposes and states as follows:

1. I am an officer and ten-year veteran of the City of Worcester Police Department ("WPD").

2. I make this affidavit in support of the government's response to what I am advised is a motion on the part of Defendant to suppress evidence.

3. Currently, in my employment with WPD, I am assigned to the Gang Unit. In that capacity I have had a number of conversations with the Defendant, Alexis Morales. In at least two such conversations, Defendant admitted to me that he was a member of a gang known as Plumley Village East ("PVE").

4. I also know Defendant because I have been present and participated in arrests of Defendant. He has been arrested for weapons and drug charges. A copy of his criminal record is annexed hereto.

5. On June 7, 2004, at approximately 7:20 p.m., I was on

routine motor patrol with WPD Officers Panarello, Vo and Lopez on Laurel Street in Worcester. We were in an unmarked car and were dressed in blue tee shirts that had the WPD emblem on the front and the word "Police" on the back. Our badges were displayed. I was seated behind the driver.

6. Laurel Street is a two-way street that winds through a dense cluster of multifamily dwellings that comprise Plumley Village. This is the center of activities of PVE.

7. At the time, there were a number of people outside buildings in Plumley Village, and the unmarked police car was traveling slowly. I saw a white Mercury Mountaineer (hereafter, the "Mountaineer"), drive slowly by in the opposite direction. Through the windshield of the Mountaineer, I saw in the rear seat Raul Aponte for whom there was an outstanding arrest warrant, to be executed without delay, for assault and battery.

8. I also saw in the Mountaineer, front passenger seat, the Defendant Alexis Morales.

9. I instructed the driver of the police car to turn around, that Aponte was in the Mountaineer. It was my intention was to arrest Aponte.

10. When the police car turned around, the Mountaineer had already pulled to the side of the Laurel Street curb, near the entrance to 29 Laurel Street. When the police car stopped, myself and the other officers approached the Mountaineer. At

that time, I saw Morales make furtive movements with the rear passenger, Aponte.

11. For the safety of the officers, Officer Lopez removed Morales from the Mountaineer and conducted a pat-down for weapons. No weapons or contraband were found on Defendant. Lopez then ordered Defendant to stand "over there," a distance away. Defendant was not handcuffed, guarded, told that he was under arrest or told that he could not leave.

12. Then I ordered Aponte to show his hands. Aponte refused and leaned away from the officers. Officer Lopez and I then removed Aponte from the Mountaineer. After removing Aponte, Officer Lopez called my attention to a package in in the pocket on the back of the front seat. The Lopez reached into where he had indicated and recovered a clear sandwich baggie, knotted at the top which contained multiple knot-tied corners of sandwich baggies. The smaller baggies inside it contained off-white chunks.

13. I have in my training and experience seen crack cocaine packaged in this way on hundreds of occasions. Based on what I saw, I believed that package contained crack cocaine.

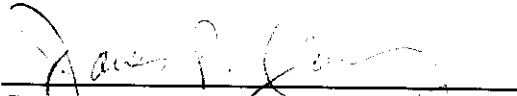
14. Myself and the other officers then arrested all the occupants of the Mountaineer. Each was handcuffed, seated on the curb and told that they were under arrest.

15. Shortly after, Andrews began to protest, saying, in

substance, "Yo, I'm not taking this." As Andrews protested, Defendant stated, "that shit is mine."

16. I told Defendant that no one would be released unless Defendant agreed to give a written statement admitting his ownership and possession of the crack cocaine. Defendant agreed.

17. Morales was taken to WPD headquarters. He was given Miranda warnings and provided responses to questions. The Miranda warnings and executed statement are attached hereto.

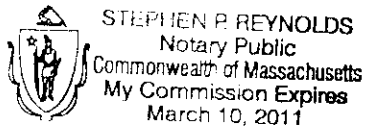


JAMES CARMODY
Police Officer
City of Worcester Police Department

Sworn to and subscribed before me
this 7th day of December, 2004.



Notary Public



PCF ADULT RECORD INFORMATION AS OF 06/08/2004 PAGE 1 OF 2

PRIM NAME: MORALES, ALEXIS DOB: 04/07/1981 PCF#:2661002CV

SEX: M SS #: 014-62-8710 MOTHER: NILDA SANTIAGO

FATHER: JOSE

HOME ADDR :29 5TH AVE WORCESTER MA

POB: WORCESTER MA

ZIP CODE : -

ETHNICITY: HISPANIC

HGT: 506 WGT: 130 HAIR: BROWN

EYES: BROWN

DT: 04/03/2003 MIB CRT: WORCESTER DISTRICT(62)

DKT# 0362CR1353A

OFFENSE: POSS CLASS D CONT SUB(CSA POSS D)

MARIJUANA

DISPOSITION: DF D/R C 4/17/03 FILE

STATUS: CLOSED

DT: 02/12/2003 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0362CR937A

OFFENSE: ASSAULT AND BATTERY(A&B)

DISPOSITION: C 3/5/03 G 6MO CMTD CONC

STATUS: CLOSED

DT: 02/12/2003 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0362CR1291A

OFFENSE: POSS TO DISTRIBUTE CLASS B(CSA POSS DIST B)

COCAINE

DISPOSITION: C 3/5/03 G 1YR CMTD CONC

STATUS: CLOSED

DT: 02/12/2003 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0362CR1291B

OFFENSE: CONTROL SUBSTANCE SCHOOL(CSA SCHOOL)

DISPOSITION: C 3/5/03 DISM

STATUS: CLOSED

DT: 02/12/2003 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0362CR1291C

OFFENSE: POSS CLASS B CONT SUB(CSA POSS B)

COCAINE

DISPOSITION: C 3/5/03 G FILE

STATUS: CLOSED

DT: 09/23/2002 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0262CR9586A

OFFENSE: POSS FIREARM W/O PERMIT(FIR POSS WO PERM)

DISPOSITION: C 3/5/03 G 1YR CMTD

STATUS: CLOSED

DT: 09/23/2002 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0262CR9586B

OFFENSE: POSS FIREARM W/O PERMIT(FIR POSS WO PERM)

FID CARD

DISPOSITION: C 3/5/03 G 1YR CMTD CONC

STATUS: CLOSED

DT: 07/25/2002 9C2 CRT: WORCESTER DISTRICT(62)

DKT# 0262CR5988A

OFFENSE: OPERATING AFTER SUSPEND LIC(114B-SUS)

DISPOSITION: DF D/R C 3/5/03 G FILE

STATUS: CLOSED

DT: 01/14/2002 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0262CR407A

OFFENSE: POSS TO DISTRIBUTE CLASS D(CSA POSS DIST D)

DISPOSITION: C 3/27/02 DISM

STATUS: CLOSED

DT: 01/14/2002 WOR CRT: WORCESTER DISTRICT(62)

DKT# 0262CR407B

OFFENSE: POSS CLASS D CONT SUB(CSA POSS D)

DISPOSITION: C 3/27/02 DISM

STATUS: CLOSED

PCF ADULT RECORD INFORMATION AS OF 06/08/2004 PAGE 2 OF 2

PRIM NAME: MORALES, ALEXIS

DOB: 04/07/1981 PCF#:2661002CV

DT: 01/14/2002 WOR CRT: WORCESTER DISTRICT(62) DKT# 0262CR407C
OFFENSE: FIREARM ID CARD(FIR ID)
DISPOSITION: C 3/27/02 DISM STATUS: CLOSED

DT: 11/26/2001 LOW CRT: LOWELL DISTRICT(11) DKT# 0111CR8297A
OFFENSE: A&B DANGEROUS WEAPON(A&B DW) KNIFE
DISPOSITION: DF 4/2/02 D/R C 6/21/02 REST PD DISM STATUS: CLOSED

DT: 11/26/2001 LOW CRT: LOWELL DISTRICT(11) DKT# 0111CR8297B
OFFENSE: THREATENING(THREAT) COM CRIME-HARM
DISPOSITION: DF 4/2/02 D/R C 6/21/02 DISM STATUS: CLOSED

DT: 11/09/2001 WOR CRT: WORCESTER DISTRICT(62) DKT# 0162CR10557A
OFFENSE: SEXUAL COND FOR FEE(SEX COND FEE)
DISPOSITION: C 6/26/02 FILE STATUS: CLOSED

DT: 04/17/2001 WOR CRT: WORCESTER DISTRICT(62) DKT# 0162CR3303A
OFFENSE: ASSAULT(ASLT)
DISPOSITION: C 6/28/01 (JT) 8/6/01 12SDA CMTD STATUS: CLOSED

DT: 03/21/2001 WOR CRT: WORCESTER DISTRICT(62) DKT# 0162CR2377A
OFFENSE: POSS CLASS D CONT SUB(CSA POSS D) MARIJUANA
DISPOSITION: C 6/5/01 CWOV SP 12/11/01 CC VWF VN 1/2/02 DF STATUS: CLOSED
1/9/02 D/R 2/12/02 VOP 90DA CMTD

DT: 12/18/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR11649A
OFFENSE: TRESPASSING(TRES)
DISPOSITION: C 2/8/01 (JT) 6/5/01 \$50 FINE 7/13/01 DF 8/6/01 D/ STATUS: CLOSED
R REMIT

DT: 09/20/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR8784A
OFFENSE: ASSAULT DANGEROUS WEAPON(ASLT DW) HAND GUN
DISPOSITION: C 2/8/01 (JT) 6/5/01 DISM STATUS: CLOSED

DT: 09/20/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR8784B
OFFENSE: ASSAULT DANGEROUS WEAPON(ASLT DW) HAND GUN
DISPOSITION: C 2/8/01 (JT) 6/5/01 DISM STATUS: CLOSED

DT: 09/20/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR8784C
OFFENSE: POSS FIREARM W/O PERMIT(FIR POSS WO PERM)
DISPOSITION: C 2/8/01 (JT) 6/5/01 DISM STATUS: CLOSED

DT: 09/20/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR8784D
OFFENSE: POSS OF FIREARM(FIR POSS) W/O FID CARD
DISPOSITION: C 2/8/01 (JT) 6/5/01 DISM STATUS: CLOSED

DT: 09/07/2000 WOR CRT: WORCESTER DISTRICT(62) DKT# 0062CR8223A
OFFENSE: TRESPASSING(TRES)
DISPOSITION: CWOV 12/5/00 VWF VN 2/8/01 G \$50 FINE VWF PD STATUS: CLOSED

PAGE 1 OF 1 CIVIL RESTRAINING ORDER AS OF 06/08/2004

DEFENDANT: MORALES, ALEXIS
(PRIMARY) MOTHER : NILDA SANTIAGO
FATHER : JOSE
POB : WORCESTER MA
ADDRESS: 29 5TH AVE WORCESTER MA
ZIP CODE: -

DOB:04/07/1981 PCF:2661002CV

SOC SEC : 014-62-8710

ETHNICITY: HISPANIC HGT: 506 WGT: 130 HAIR: BROWN EYES: BROWN

DEFENDANT : MORALES, ALEXIS

PLAINTIFF : NICOLE BEAUCHAMPS

STREET : 12 GEORGE STREET

CITY : WORCESTER

STATE : MA

DOCKET: 03RS0063AB1 COURT: P85 ORDER DATE : 02/03/2003 EXP DATE : 02/19/2003
ORDER : CHAPTER 209A SECTION 4 STATUS : CLOSED

***** COURT ORDERS *****

1. REFRAIN FROM ABUSE
2. NO CONTACT STAY AT LEAST 50 YDS
3. VACATE/STAY AWAY RESD
6. CUSTODY OF FOLLOWING TO PLAINTIFF:
ALIJAH 1/13/03
12. SURRENDER GUNS, AMMO, LIC, FID

MIRANDA WARNING

Case 4:04-cr-00119-FDS

Document 30

Filed 12/07/2004 Page 8 of 9

1. "Before we ask you any questions, you must understand your rights."
2. "You have the right to remain silent."
3. "Anything you say can be used against you in court."
4. "You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."

over

5. "If you cannot afford a lawyer, one will be appointed for you before questioning if you wish."
6. "If you decide to answer questions now without a lawyer present, you will still have the right to stop questioning at any time until you talk to a lawyer."
7. "Do you understand what I have read to you?"
8. "Having these rights in mind, do you wish to talk to me now?"

6/7/04 8:45pm

Date and Hour

Signature

Christopher V. Smith

Signature-Witness

M. J. [Signature]

Signature of Police Officer

Print Date: June 07, 2004

Narratives for Incident Number 2004000053108 ? Yes

Narratives this user authorized to print:

<u>Seq No:</u>	<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
2	06/07/2004 20:40		Police Officer Miguel Lopez	Open		06/07/2004

PINarrativeSingle Rev: 03/01/00